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Attorney for Defendant  
BENITO JULIAN LUNA

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

BENITO JULIAN LUNA,

No. CIV S-04-0627 FCD GGH

Petitioner,

v.

SCOTT KERNAN,

Respondent.

**Stipulation, Declaration, and Order**

BARRY MORRIS, attorney for petitioner BENITO LUNA, and  
JAMIE A. SCHEIDEGGER, attorney for Respondent SCOTT KERNAN  
stipulate to extend the time to file objections to the Findings and  
Recommendations of the Magistrate from May 17, 2012 until June  
18, 2012. This stipulation is based upon the Declaration of Barry  
Morris attached hereto.

Dated: May 9, 2012

\_\_\_\_\_/s/\_\_\_\_\_  
BARRY MORRIS  
Attorney for Petitioner

BENITO LUNA

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**Declaration of Barry Morris**

I, BARRY MORRIS, do hereby declare under penalty of perjury that:

1. I am an attorney licensed to practice in all the courts of the State of California, the Federal District Court for the Northern, Central, and Eastern Districts of California, the Court of Appeals for the Ninth Circuit, and the United States Supreme Court. I represent the petitioner in the above-entitled case.

2. I am going to be out of the country from May 10, 2012 until May 15, 2012 to attend the wedding of a very close friend in Mexico. The issue involved in this case is complicated and I will need additional time to prepare and file objections to the Findings and Recommendations of the Magistrate.

3. I spoke to Ms. Scheidegger, counsel for respondent, and she has authorized me to represent that he has no opposition to this request and so stipulates.

Dated: May 9, 2012  
Walnut Creek, CA

\_\_\_\_\_/s/\_\_\_\_\_  
BARRY MORRIS  
Attorney for Petitioner  
BENITO LUNA

**Order**

1           GOOD CAUSE APPEARING THEREFOR, and the parties having  
2 so stipulated, the time to file objections to the Findings and  
3 Recommendations of the Magistrate is extended from May 17, 2012  
4 until June 18, 2012.  
5

6 Dated: May 9, 2012

/s/ Gregory G. Hollows  
U.S. MAGISTRATE JUDGE